

November 3, 2023

The Honorable Jessica G. L. Clarke
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Via Electronic Filing

Re: SeanPaul Reyes v. City of New York, 23-cv-06369

Your Honor,

Plaintiff SeanPaul Reyes submits this letter-motion respectfully requesting that the Court order an implementation plan upon Defendant to ensure it complies with the November 17 deadline in the Court's November 3, 2023 Order.

Plaintiff has consented to a stay of the Order until November 17 "to implement the injunctive measures." (Doc. 32 at 1.)

Plaintiff has **not** consented to a stay pending appeal. Defendant's motion for a stay pending appeal should be denied.¹

Defendant should be ordered to set forth a plan for notifying precincts and officers over the next few weeks. Today, Plaintiff went to the 75th precinct after notifying Defendant's counsel and the officers were courteous and allowed him to record. *See* <https://www.youtube.com/watch?v=KYMUGQO9Sck>. The NYPD should deliver whatever message was delivered to the 75th precinct throughout the city.

The implementation plan should include multiple Finest messages announcing the content of the Order. *See Floyd v. City of New York*, 08-cv-1034 (First Report of the

¹ *See Rodriguez ex rel. Rodriguez v. DeBuono*, 175 F.3d 227, 234–35 (2d Cir. 1999) (“{W}here the order stayed involves a preliminary injunction, a principle element of which is a finding of irreparable harm that is imminent, it is logically inconsistent, and in fact a fatal flaw, to subsequently find no irreparable nor even serious harm to the Plaintiffs pending appeal.”)



NYPD Monitor, July 9, 2015) at 15 (Doc. 513) (describing process of complying with a court order by delivering “two ‘Finest’ messages, to be read at successive roll calls of officers, describing the changes.”)

To ensure compliance with the Order by November 17, Plaintiff proposes the following schedule:

Officers

1 – FINEST Message to be issued on or about November 6: The Department has been enjoined from enforcing Administrative Guide Procedure No. 304-21 in precinct lobbies except to the extent consistent with the New York State and City Right to Record Acts. While compliance is not required until November 17, officers are requested to comply with the order now.

2 – FINEST Message to be issued on or about November 13: The Department has been enjoined from enforcing Administrative Guide Procedure No. 304-21 in precinct lobbies except to the extent consistent with the New York State and City Right to Record Acts. While compliance is not required until November 17, officers are encouraged to comply with the order now.

3 – FINEST Message to be issued on or about November 17: The Department has been enjoined from enforcing Administrative Guide Procedure No. 304-21 in precinct lobbies except to the extent consistent with the New York State and City Right to Record Acts. Officers are ordered to comply as of today.

Signage:

All commands ordered to remove signs on November 6. Between November 13 and 17 NYPD will inspect (by in-person visit or video) to confirm and report that all signs have been removed.

Respectfully submitted,



Andrew Case
LatinoJustice PRLDEF